

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

KEVIN O'DONNELL,

Plaintiff,

v.

OREGON DEPARTMENT OF CORRECTIONS,  
KEVIN JACKSON, NICHOLAS DERANLEAU,  
CLYDE G. MILLER, G. MILLER, TRAVIS  
HUDSON, and TYLER MUHLBEIER,

Defendants.

Case No.: 2:22-cv-01617-AR

ORDER

**Adrienne Nelson, District Judge**

United States Magistrate Judge Jeff Armistead issued a Findings and Recommendation ("F&R") in this case on July 31, 2025, in which he recommended denying defendants' motion for summary judgment. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

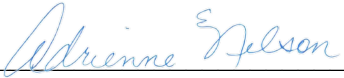
A district court judge "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). If any party files objections to a magistrate judge's proposed findings and recommendations, "the court shall make a de novo determination of those portions of the report[.]" *Id.* No standard of review is prescribed for the portions of the report for which no objections are filed, and no review is required in the absence of objections. *Thomas v. Arn*, 474 U.S. 140, 152-54 (1985). A district court judge is not, however, precluded from *sua sponte* review of other portions of the report, under a *de novo* standard or otherwise. *Id.* at 154. The Advisory Committee notes to Federal Rule of Civil Procedure 72(b) recommend that, when no objection is filed, the recommendations be reviewed for "clear error on the face of the record." Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment.

Because no party in this case has made objections, and finding no clear error on the face of the record, the Court ADOPTS Judge Armistead's Findings and Recommendation, ECF [43]. Defendants'

Motion for Summary Judgment, ECF [36], is DENIED.

IT IS SO ORDERED.

DATED this 28th day of August, 2025.

  
\_\_\_\_\_  
Adrienne Nelson  
United States District Judge